

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

BEN GORDON, G7 DEVELOPMENT, )  
INC., and BG4, INC. )

Plaintiff, )

vs. )

VITALIS PARTNERS, LLC; LARRY )  
HARMON & ASSOCIATES, P.A.; KC )  
DEVELOPMENT CO., LLC; LARRY )  
HARMON; and KENNY CRUZ )

No. 07 C 6807

Defendants.

**PLAINTIFFS' ANSWER TO DEFENDANTS' AFFIRMATIVE DEFENSES**  
**SUBMITTED IN RESPONSE TO PLAINTIFF'S AMENDED COMPLAINT**

The Plaintiffs, by and through their attorneys, SPELLMIRE & SOMMER, submit this Answer to the Defendants' Six Affirmative Defenses.

1. Plaintiffs' claims are barred by the doctrine of acquiescence.

**ANSWER:** Plaintiffs' deny the Defendants' first affirmative defense. Answering further, the Plaintiffs affirmatively state that the Defendants have failed to state a valid affirmative defense and have improperly pled no facts to support this affirmative defense.

2. Plaintiffs' claims are barred by the doctrine of waiver.

**ANSWER:** Plaintiffs' deny the Defendants' second affirmative defense. Answering further, the Plaintiffs affirmatively state that the Defendants have failed to state a valid affirmative defense and have improperly pled no facts to support this affirmative defense.

3. Plaintiffs' claims are barred by the doctrine of estoppel.

**ANSWER:** Plaintiffs' deny the Defendants' third affirmative defense. Answering further, the Plaintiffs affirmatively state that the Defendants have failed to state a valid affirmative defense and have improperly pled no facts to support this affirmative defense.

4. Plaintiffs' claims are barred by the doctrine of laches.

**ANSWER:** Plaintiffs' deny the Defendants' fourth affirmative defense. Answering further, the Plaintiffs affirmatively state that the Defendants have failed to state a valid affirmative defense and have improperly pled no facts to support this affirmative defense.

5. Plaintiffs' claims are barred because Defendants had the legal right to act in the legal right to act in the manner in that they did.

**ANSWER:** Plaintiffs' deny the Defendants' fifth affirmative defense. Answering further, the Plaintiffs affirmatively state that the Defendants have failed to state a valid affirmative defense and have improperly pled no facts to support this affirmative defense. Further, this is not an affirmative defense and is simply a denial of liability.

6. Plaintiffs' claims are barred by Plaintiffs' failure to mitigate their alleged damages.

**ANSWER:** Plaintiffs' deny the Defendants' sixth affirmative defense. Answering further, the Plaintiffs affirmatively state that the Defendants have failed to state a valid affirmative defense and have improperly plead no facts to support this affirmative defense

WHEREFORE, the Plaintiffs respectfully request that this Honorable Court enter judgment for the Plaintiffs and against the Defendants.

\_\_\_\_\_/s/\_\_\_\_\_  
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